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In re Application of
Olin Calvin et al
Application No. 09/923,562
Filed: August 9, 2001
Attorney Docket No. VTN-0551

OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a), filed May 2, 2005, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner asserts that the delay was caused by nonreceipt of the non-final Office action of December 15, 2003. In the renewed petition, petitioner has stated that he has searched the file jacket and docket records which failed to disclose receipt of the non-final Office action of December 15, 2003. Additionally, petitioner has supplied a copy of his docket report record and the assignee's docket report record to show where the December 15, 2003 Office action would have been docketed had it been received.

The showing of record is adequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Accordingly, the reply to the non-final Office action of December 15, 2003 is accepted as having been unavoidably delayed.

The second petition fee of \$500.00 submitted May 2, 2005 is unnecessary and will be credited to Deposit Account No. 19-1013, as authorized.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 1722 for appropriate action on the response received on September 20, 2004.


Frances Hicks

Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy